King County	Department of Adult and Juvenile Detention All Divisions General Policy Manual	
	Chapter 1 **Administration and Personnel Management**	
1.05.001 - Special Investigations Unit	Approved By:	Director Allen Nance
	Effective Date:	May 21, 2025
	Reviewed By:	PRC
Distribution:	Review Date:	April 24, 2025

Purpose

To describe those duties and responsibilities of the Special Investigations Unit (SIU) and the Criminal Investigations Unit (CIU).

Policy

The Department shall investigate apparent criminal activity committed by jail residents and detained youths in the jail and juvenile detention center. Conduct that appears to be criminal shall be referred to the Prosecutor's office. Serious crimes (ex. Rape, Homicide, Arson) shall be referred to outside agencies to investigate in accordance with preexisting memorandums of understanding (MOU).

References

Federal:	Prison Rape Elimination Act (PREA)
RCW's:	10.122 Uniform Electronic Recordation of Custodial Interrogations
King County Code:	2.62 and 2.63
Department Policies:	3.02.014 - Death Investigations, Administrative Reviews and Inquests
	4.01.006 - Resident Telephone System
	4.01.021 - Evidence Collection and Storage
	6.04.001 - Prison Rape Elimination Act (PREA)
	JCpreaP-9.007 - Prison Rape Elimination Act PREA
Other:	MOU Seattle Police Department (SPD)
	MOU Kent Police Department (KPD)

Definitions

Criminal Investigations Unit (CIU): A team of officers and/or sergeants assigned to the investigation, and potential referral to the PAO for the filing of criminal charges, of apparent criminal activity by jail residents and detained youths and matters of special concern that occur within the Department's secure adult and juvenile detention facilities.

Custodial Interrogation: Express questioning or other actions or words by a DAJD officer which are reasonably likely to elicit an incriminating response from an individual.

Internal Investigations Unit (IIU): A unit of dedicated staff responsible for the investigation of alleged employee misconduct.

Special Investigations Unit (SIU): A unit of dedicated staff responsible for overseeing CIU, assigning apparent criminal activity investigations to CIU, and conducting a variety of

investigatory tasks, including but not limited to performing pre-employment and other background checks, and monitoring resident phone and video communications for violations of law or policy.

A. General Guidelines Regarding SIU and CIU Investigations:

1. All incidents shall be treated as a potential criminal investigation. Investigators shall protect the crime scene and preserve the evidence.
2. The custodial interrogation of a juvenile (i.e., a detained person under the age of 18) and the waiver of Miranda rights by a juvenile may not occur until the juvenile has consulted with legal counsel in person, by telephone or by video conference. Consultation may not be waived.
3. If the suspect is an adult and they decline to have their statement video and audio recorded, they will be given a Miranda warning and asked to sign an acknowledgement of their rights.
4. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as a resident, detained youth or staff member. The Department shall not require a resident or detained youth to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of an allegation.
5. The investigation of serious crimes shall be done in accordance with the Department Memorandums of Understanding (MOU) with the Kent Police Department (KPD) and the Seattle Police Department (SPD).
6. The Department shall cooperate fully with outside agencies conducting investigations.
7. The Department will request and retain with the case file the criminal investigation findings, rationale and summary of evidence.
8. At the discretion of the Internal Investigations Unit (IIU) Commander (or higher authority), a SIU investigator may be assigned as a liaison to any investigation conducted by local law enforcement.

B. Recording of Custodial Interrogations

1. Custodial Interrogations of juvenile suspects, or relating to a felony crime, must be video and audio recorded in their entirety, including the giving of any required warning, advice of rights of the individual being questioned, and the waiver of any rights by the individual.
   a) Non-Custodial interrogations do not have to be recorded. However, if during an interrogation, the individual being interrogated reveals facts and circumstances that give the interrogating officer the belief that the person is about to share incriminating information, the continued interrogation shall be recorded in accordance with this policy.
2. Before any custodial interrogation, the person being interrogated must be informed that an electronic recording of the interrogation is being made.
3. If an officer conducts a custodial interrogation without electronically recording it in its entirety, the officer shall prepare a written report explaining the reason for not recording the interrogation and summarizing the custodial interrogation process and the individual's statements. The report shall be prepared as soon as practicable after completing the interrogation.
4. A custodial interrogation does not need to be recorded if:
   a) Recording is not feasible because of exigent circumstances, in which case the officer shall record electronically an explanation of the exigent circumstances before conducting the interrogation, if feasible, or as soon as practicable after the interrogation is completed;

b) The individual to be interrogated indicates that they will not participate in the interrogation, or parts thereof, if it is recorded electronically, in which case, if feasible, the agreement to participate without recording must be recorded electronically;
c) The officer or their supervisor reasonably believes that recording the interrogation would disclose the identity of a confidential informant or jeopardize the safety of an officer, the individual being interrogated, or another individual, in which case, and if feasible, an explanation of the basis for not recording must be recorded electronically at the time of the interrogation, or, if not possible, as soon as practicable thereafter;
d) Recording is not feasible because the available audio and/or video recording equipment fails, despite reasonable maintenance of the equipment, and timely repair or replacement is not feasible.

5. An officer may not encourage an individual to request that a recording of an interrogation not be made.
6. Recordings of custodial interrogations will be uploaded to Evidence.com (or the currently approved storage system) and an electronic copy will be produced for retention throughout the length of any resulting sentence, inclusive of any period of community custody, and the Washington State Records Retention requirements, whichever is longer.
7. All recordings of custodial interrogations will be reviewed by the approving SIU Sergeant and any inconsistencies will be reported to the IIU Commander for further review.
8. All violations of the requirement to video and audio record custodial interrogations, with the exceptions enumerated in RCW 10.122, will be forwarded to IIU for further investigation.
9. The SIU Sergeants will be responsible for ensuring that all staff assigned to CIU receive education and training as to the requirements of RCW 10.122 prior to taking part in any custodial interrogation.
10. All audio and video recordings of a custodial interrogation will be accomplished using a Department supplied device capable of simultaneously recording audio and video.
    a) The videos will be produced utilizing the device's autofocus ability and the device's standard focal and field of view settings that allow for an accurate recording of the interrogation and reliable assessment of its accuracy and completeness.

C. Special Investigations Sergeants Responsibilities:

1. SIU Sergeants report to the IIU Commander.
2. SIU Sergeants duties include, but are not limited to:
    a) Criminal Investigation
        1) Supervise the resident or detained youth criminal misconduct and investigations process for the department.
        2) Supervise and coordinate CIU to include:
            a) Reviewing Department incident reports.
            b) Assigning cases to CIU Investigators.
            c) Assuring timeliness in the filing of charges.
            d) Maintaining the JMS CIU Investigations Section.
    b) Informing and updating residents and detained youth of ongoing investigations:
        1) If the Department did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the resident or detained youth of the findings.
    c) Employment Background Checks:
        1) Conduct background and criminal history checks as directed by the IIU Commander on potential employees, volunteers, service providers, and contract staff.

d) Evidence Custodian:
   1) Act as the Department's evidence custodian per Department policy to 4.01.021 - Evidence Collection and Storage.

e) Intelligence and Electronic Communication Monitoring:
   1) Assist with the recording of the resident or detained youth video visits, tablet and phone system requests from the Prosecutor's Office and outside law enforcement agencies per Department policy 4.01.006 - Resident Telephone System.
   2) Act as the Liaison between the Department, the Courts, the Prosecuting Attorney's Office and other law enforcement agencies.

f) Record Keeping:
   1) Maintain copies of criminal cases (to include escapes).
   2) Archive old records and provide them to the Records Section for storage and/or disposal in compliance with the Washington State Records Retention Schedule.
   3) Maintain statistics on the number and types of crimes that occur within the jail and juvenile detention center (to include escapes).
   4) Compile information related to death investigations.

3. Conduct death investigations and administrative reviews pursuant to policy 3.02.014 - Death Investigations, Administrative Reviews and Inquests.

D. Special Investigations Unit Sergeants Responsibilities Regarding PREA Complaints

1. All PREA investigations shall be conducted in accordance with policies 6.04.001 - Prison Rape Elimination Act (PREA) and JCpreaP-9.007 - Prison Rape Elimination Act PREA. All investigations into allegations of sexual abuse and sexual harassment (including third-party and anonymous reports), shall be prompt, thorough, and objective.
2. The Department shall not require a resident or detained youth who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
3. The evidentiary standard for administrative investigations substantiating allegations of sexual abuse or sexual harassment, shall be no higher than a preponderance of the evidence.
4. Investigations of sexual abuse of a youth shall not be terminated solely because the source of the allegation recants the allegation.
5. Administrative investigations of sexual abuse shall:
   a. Include an effort to determine whether staff actions or failures to act contributed to the abuse.
   b. Be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments and the investigative facts and findings; and
   c. Not be terminated due to the departure of the alleged abuser or victim from a department facility.
6. DAJD will assess investigations completed by an outside entity and when necessary, conduct an administrative investigation to ensure every sexual abuse case has been investigated in accordance with PREA regulations.
7. Following an investigation into a resident or detained youth's allegation they suffered sexual abuse while in Department custody, the Department shall inform the resident or detained youth as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded and this notification shall be documented.

8. Following a resident or detained youth's allegation they have been sexually abused by another resident or detained youth, the department shall subsequently inform the alleged victim whenever:
   a. The Department learns the alleged abuser has been indicted or convicted on a charge related to sexual abuse within the facility.
   b. All such notifications shall be documented.
   c. The Department's obligation to report under this standard shall terminate if the resident or detained youth is released from custody.

E. Staff Assigned to CIU shall:

1. Respond to on-shift allegations of criminal misconduct as requested by the Duty Sergeant or higher authority.
2. Investigate crimes (to include escapes) as assigned by the SIU Sergeants.
3. Enter case file information in the JMS Investigations Section.

F. The Shift Commander/Juvenile Division Chief of Operations (or designee) shall:

1. When necessary, notify, or leave a message requesting the assistance of an SIU Sergeant and/or a staff member assigned as a CIU Investigator.
   a. For serious incidents, ensure that the EDO or Officer of the Day has been notified.
   b. After hours, contact the IIU Commander to facilitate the assistance of a SIU Sergeant and/or a staff member assigned as a CIU Investigator.